

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TESSA MYERS,)	CASE NO. 1:23CV321
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	
)	
COMMISSIONER OF SOCIAL SECURITY,)	<u>ORDER</u>
)	
)	
Defendant.)	

CHRISTOPHER A. BOYKO, J:

On February 20, 2023, Plaintiff filed a Complaint pursuant to Title 42 U.S.C. § 405(g), seeking judicial review of the final decision of the Commissioner of Social Security denying her applications for disability insurance benefits (“DIB”) and supplemental security income (“SSI”). (ECF DKT #1). The Court referred this matter to Magistrate Judge Thomas M. Parker pursuant to Local Rule 72.2.

On November 3, 2023, the Magistrate Judge recommended vacating the Commissioner’s final decision denying Plaintiff’s applications for DIB and SSI and remanding for further consideration. (ECF DKT #13). The Magistrate Judge concluded that the Administrative Law Judge failed to apply proper legal standards and failed to build a logical bridge between the findings rejecting Plaintiff’s subjective complaints about her physical health and the record

evidence. *Id.*

On November 17, 2023, Defendant filed a Response to the Report and Recommendation stating that the Acting Commissioner of Social Security will not be filing objections. (ECF DKT #14).

Therefore, Magistrate Judge Parker's Report and Recommendation is **ADOPTED**, the Commissioner's final decision is **VACATED** and the case is **REMANDED**, pursuant to sentence four of 42 U.S.C. § 405(g), for further proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.

s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

Dated: February 26, 2024